

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, May 8, 2017, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESEN: Guy Gentry, President; Bill Byers, Bob Johnson, Amanda Mosiman, Jeff Valiant and Jeff Willis.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Molly Barnhill, Staff.

MEMBERS ABSENT: David Hachmeister

MINUTES: Upon a motion by Jeff Valiant and seconded by Jeff Willis, the Minutes from the last regular meeting held April 10, 2017, were approved as circulated.

The President explained the Rules of Procedure to the audience.

SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:

PP-17-05 Knight Court by Mystic Development LLC, Michael Morrow, Owner. 5.66 acres located on the W side of Country Place Dr. 0' SW of the intersection of Country Place Dr. and SR 66 also on the E side of Trinity Dr. 0' SE of the intersection of Trinity Dr. and SR 66 . Pt outlot 1 in Rabbit Run Phase 1 as recorded in Doc No. 1995R-001316 in the Warrick County Recorder's Office. Ohio Twp. Complete legal on file. *(Advertised in The Standard March 30, 2017) Continued from April 10, 2017.*

Jeremy Elrod with Morley & Associates and John Rogers III were present.

Mrs. Rector said this was continued from our last meeting. She said there was some concern about the location of the entrance on Country Place Drive. She said Jim Morley Jr. sent Bobby Howard, County Engineer an email which states "Per our conversation please confirm that you are okay with the proposed drive locations on Country Place Drive and Trinity Drive for the Knight Court Subdivision." She said Bobby replied back "The driveway locations as submitted on April 4th appear to be adequate for the proposed commercial use. Further comments and approval will be held until such time that the driveway permits are applied for and reviewed. Respectfully, Robert Howard, Warrick County Highway Engineer." She said she believes the Board was going to all go out and try to look at the site and unless they want her to read the staff report over again from last month, nothing else has changed.

Attorney Doll said for the record the plat is in technical conformity.

Mrs. Rector said yes they still will need the consent agreement from Vectren to place parking within the Vectren Easement but it is in technical conformity.

The President asked if they had anything to add to the staff report.

Jeremy Elrod said no other then they brought a quick aerial exhibit that has a color rendering of where those drives might be but he thinks from the plat, especially the drive in question on Country Place Drive, they might already be aware of where they are proposing to put that.

The President asked if it was anything different than what is on the plat.

Jeremy Elrod said no, the plat is the same plat they seen at the last meeting.

Mrs. Rector said they are just showing it on an aerial.

Jeremy Elrod said yes.

Attorney Doll said it will need to be made part of the record.

Mrs. Rector said yes he has copies.

Jeremy Elrod said this is just an aerial of where that drive is on Country Place but other than that just what Sherri said in her report. He said they have spoken with Bobby and he seems to be fine with things and of course the formal approval of the drive will be at a later date once we file the commercial drive application but other than that it is the same plat they saw at the last meeting.

The President asked for questions from the Board. Being none he asked for remonstrators to approach the podium.

Lisa Grantz approached the podium. She said she is the fourth house from Country Place. She said she is still concerned with traffic and safety and drainage and she knows they said there could be no more drainage added. She said traffic from Trinity, if there is a business on that side they can't turn west so they'll still have to go through Rabbit Run and there'd be more traffic there. She said she still has a huge concern about all of the traffic and how that's going to work and the safety of their children.

Barb Moody approached the podium. She stated they live right on the corner when you pull into Country Place so when you pull into Country Place our home sits right there at Country Place and Rabbit Run, Lot 97. She said they see traffic that goes in and out of that place all day long, there's a stop sign at that corner and nobody stops. She said the traffic that comes in through that, there's been accidents of people trying to cross the Lloyd to come into Country Place and adding another driveway to a driveway that is already existing to a building that is sitting empty

is just going to cause more accidents to happen on that corner with people trying to cross and come in and out of Country Place and then added traffic that is going to go on with Rabbit Run because everybody goes in and out of Country Place; hardly anybody goes out of Rabbit Run because you can't cross traffic to go out. She said you'd have to go all the way to Grimm Road to go out so added traffic coming in out of that subdivision is going to be a huge problem. She said nobody is going the speed limit; there's kids that are outside; everybody is flying down that road going 35-40mph and they come flying around that corner even off the Lloyd expressway. She said to add another driveway is going to cause more traffic and accidents that are going to happen on that corner.

Teresa Franklin said peak traffic time it's almost one stop light to the other; from Epworth all the way almost to Frame Road the traffic is backed up that far.

Barb Moody said it is going to be bumper to bumper. She said and coming up over that hill if nobody is watching you are going to have increased traffic that's trying to stop at that turn and not everybody knows of the extra lane to turn to go out onto the Lloyd going westbound; not everybody knows about that lane so people stop right there and there's traffic coming there and people trying to cross here to get home and it's just going to add more added traffic at that intersection.

The President asked if they had anything else.

Teresa Franklin asked what was going in there.

The President said they will ask them when they come back.

Mrs. Rector said she wants them to understand that even if this subdivision was denied, they can still build a commercial establishment in there and they can still have these commercial entrances right where they are showing them approved by the County Engineer so this is not going to stop it from being used as commercial because it was zoned that way years ago when their subdivision was done. She said she doesn't want them going away thinking that if this doesn't go through nothing will be built there because they can come in tomorrow and as long as they meet the setbacks and requirements they can.

Teresa Franklin said they were under the impression when they bought their homes that was agricultural.

Mrs. Rector said somebody didn't do their homework because it has been commercial for years.

Barb Moody said if you go on their website on the GIS map is it zoned agricultural.

Darren Lloyd said it is listed in the tax assessors database as agricultural but in the zoning database it is commercial apparently because it has been taxed as agricultural for all this time.

Mrs. Rector said right the taxes are based on the use of the property not what the zoning is. She said so you can't on the Assessors website and see what something is zoned because that is just the use.

Teresa Franklin asked so if something isn't used for anything other than vacant land wouldn't that be agriculture then.

Mrs. Rector said no it is zoned commercial.

Teresa Franklin said when we have a lot of rain like we've had this last week we have a big problem with flooding down and the Rabbit Run entrance. She said it will come all the way up past the stop light coming onto Rabbit Run so we already have that huge problem with the drainage.

The President asked if she meant the stop sign; there is no stop light there.

Teresa Franklin said yes the stop sign at Rabbit Run.

Mrs. Rector said that was already discussed in the Drainage Board meeting last month and the Drainage Board approved the drainage plans for the subdivision so that has already been approved and discussed.

Darren Floyd said maybe not a question for here but what does this do to their property values if they built commercial.

Mrs. Rector said they do not know.

The President said again it is already zoned commercial so it shouldn't have any effect on them at all. He said the only change from the way it presently is instead of being one lot, it's three lots. He said so instead of being one business it has the potential of having three different buildings or three different entities.

Teresa Franklin asked at what point do they ask for a barrier between their properties and theirs.

The President said this would be a consideration when they find out what their intent is and we'll ask them when they come back.

Barb Moody said that is a concern also because if it's a commercial business going in trash cans, they don't really want to look at trash cans so a barrier wall would be ideal if this does get approved and go from there.

Darren Lloyd said his lot is just to the east of 97, he is not sure what lot number he is. He asked what meeting were the engineering things talked about.

Attorney Doll asked what engineering things; did he mean drainage?

Darren Lloyd said no actually no the County Engineer that would allow the cut in for the drive.

Mrs. Rector said we have site review meetings; there are five of us on the Board and he is part of it.

Darren Lloyd asked if they physically look at it or do they just look at blueprint's and designs. He said he is concerned because where this entrance would go is about 65' off the right-of-way off the Indiana 66 and from he has been told in the past some drawings don't take into consideration the widening project from a couple of years ago it is actually a much shorter span than what some drawings still show.

Mrs. Rector said she knows Mr. Howard is aware of the right-of-way and he's aware of the intersection and where they want to place the entrance and as she read he stated as much in his email and he wanted that entrance to go in across the street from the other commercial entrance that was just built that they line up so they are not staggering each other.

Darren Lloyd said just when they have trucks in when they've been doing some ground work in this last week they have been doing some sewer improvement, dropping the sewer into this commercial site, and there were two accidents that almost happened when he was watching them in that area so again that is his concern is the traffic pattern.

Jeremy Elrod said the site is already a commercial use and he thinks Bobby preferred that the drive in question align with the commercial drive across the street as he typically does for all developments in Warrick County. He said this plat is just looking to subdivide that already commercial property which has been commercial for many years; just three commercial lots instead of one.

The President asked if they knew of anything that may go in.

John Rodgers III said they are looking at offices at this time.

The President said offices similar to the one across the road.

John Rodgers III said a little bigger. He said not to box them in but that is what they have been evaluating at this time.

The President asked if there has been in questions or concern; are there any trees or is there any barrier between the commercial and the sub or what have been their thoughts on that.

John Rodgers III said they have not looked at that yet. He said there is a utility easement...

Jeremy Elrod said he thinks he gave away all of his aerial photos...there is already a barrier of trees separating those properties...

Amanda Mosiman asked if they were deciduous or evergreen.

Jeremy Elrod said it's hard to say with the development because they don't have an exact idea of what going in there what is staying or being removed but typically when they do a development they don't like to tear down trees for fun so he imagines they will keep as many as they could.

The President asked if they were opposed to any type of barrier or evergreens or something. He said is there room to accomplish that is what he is asking.

Jeremy Elrod said by looking at the plat it is pretty encumbered with existing easements and it's hard to tell not knowing the exact use or size of building they are putting in there what kind of room or restraints they have to deal with. He said they also have the existing drainage easements for the retention basins so you are limited in some areas there. He said he believes on the commercial building across the street on the other side of Country Place Drive, it's a nice looking building, it's well kept and if he remembers correctly there's no windows on the back side of that structure and he imagines if anything were close enough to the property line the building would have that same style so that no commercial windows are facing into people's back yards.

Bill Byers asked what type of business was in that building.

John Rogers III stated it was currently vacant. He said they are attempting to lease it.

Jeff Valiant asked if it was set for offices.

John Rogers III said yes.

Mrs. Rector said it looks like on the back of all those lots they have a 12' drainage and underground public utility easement that butts up to those people's lots behind there she doesn't think the Drainage Board wants you planting trees in the drainage easement.

The President said so some existing things that are in there will have to be removed.

Amanda Mosiman said that was what Morrie was saying, it is mostly scrub grown up things because they are not managing the lot. She said from the aerial it looks like a lot of calgary and basic pear to her.

Jeremy Elrod said he doesn't think that is a well-established line of trees.

Darren Lloyd said there were originally three rows of pine trees when the subdivision was put in. He said over time some of them have come out and as you said the next rank of trees is mostly scrub and volunteer trees, they are just established.

The President asked for questions or comments from the Board.

Teresa Franklin said she has another comment she'd like to make. She said the trees that are currently there they do not last very well. She said they are not longevity trees, we have ice storms things like that and they come down so we would like to see a barrier wall placed there especially since they won't plant any further trees.

Amanda Mosiman said there has been a lot of white pine decline unexplained. She said the Extension service can't figure it out. She said Kentucky has been having an issue with it, Indiana, Maryland, Massachusetts...we just can't explain it.

The President asked if they were inclined to...

John Rogers III said they haven't really looked at that. He said like Jeramy alluded to they think the back of the office building fits in with the development and...

Jeramy Elrod said as far as the wall goes he doesn't know if there concern is noise or if it's the windows, like he said the commercial building across the road it's windowless on the back side. HE said the property as you can see on the plat is pretty encumbered with existing easements and just as much as trees aren't allowed in a drainage and public utility easement he doesn't know if putting up a wall is allowed either.

The President said he is sure it isn't but it is not an uncommon request that they have asked as a separation between commercial and residential in the past.

Amanda Mosiman said and to be honest they are encumbering themselves further by taking it from one lot to three. She said it's a weird lot to begin with which is what made her uncomfortable about this to begin with so you guys are kind of doing this to yourself by taking it from one to three.

Jeramy Elrod said you are correct; it is an awkward shaped lot. He said it is longer than it is wider so to subdivide it like we are we are kind of splitting it long ways whereas putting a wall where that adjoining property line would be is encumbering us more on our short axis so to speak and that is where he sees that hurting them when it comes to doing any kind of development plan on these because like he said it is already difficult now to make a use of the property with the existing easements.

Attorney Doll asked if there would be a lot of difference between the back of a brick building if there's no windows in it and a wall. He said if it's a condition of their approval that there be no windows in the rear buildings that are constructed on the lots, it serves somewhat the same function as the wall would. He said the typical setback in this zoning district is 5' from the rear property lines but in this case that is not possible it is more than that because of the easements so the closest that any improvements could be located on the lots looks to him like 12' from the rear property line. He said the home owners in Rabbit Run have a 25' setback so if you add those together you are really dealing with 37' of separation but if you can't build a wall in there he doesn't know why you couldn't conditionally approve it if they are already saying there are not going to be any windows in the back of these buildings. He said you could stipulate that the

development not have any windows in the back of the buildings and it serves the same purpose as the wall. He said it's not contiguous and maybe they can fill in some of the areas with landscaping, not in the drainage but maybe they could fill in some areas with a tree line in the areas where the buildings are not sitting and you could have a variation between solid brick and trees. He said that is probably better than a wall 1161' long; just a thought.

Jeremy Elrod said they would tend to agree with that, he thinks that is a reasonable idea and he is an engineer not an architect as long as...he knows on the other side of Country Place that is a relatively short building so to not have a window on that wall maybe wasn't a big deal but it looks like they may have some longer buildings on one of these lots and he is fine with the condition but his only concern would be if there was a fire code or something that says we have to have some kind of evacuation window. He said even then he thinks they would be acceptable to some kind of landscaping berm or barrier to create that blockage between the residential homes on the backside of that property.

Attorney Doll so if you made it as a conditional approval that the building to be constructed there not have windows on the rear unless required to do so by fire code and any areas where there is not a building that there might be some landscaping installed to try to separate the commercial from the residential. He asked if that should generally be acceptable.

Jeremy Elrod said he would think so.

John Rogers III asked about a fence instead of a solid wall.

Attorney Doll said you can't put a fence in a 12' drainage easement.

John Rogers said he is not talking about...

Attorney Doll said he knows he is just saying out loud that you would have to have the fence set back 12' from the property line. He said he doesn't care, he doesn't get to vote here but he is trying to get some sort of understanding of what might be agreeable and would satisfy...

Mrs. Rector asked if he meant like a wooden privacy fence.

John Rogers III said or iron or steel.

Attorney Doll asked if he meant a chain link fence.

John Rogers III said not a chain link fence; a nice iron fence or something like that.

Jeff Willis said one of their concerns was that they didn't want to see the dumpster from their backyards so would it be simpler to say the dumpsters would have to be enclosed or hidden from the south side property line.

Mrs. Rector said if you look at most businesses they have dumpster inside of built brick or some kind of structure or enclosure; they are not just sitting out.

John Rogers III said yes they have done those before.

Bret Moody said on that part it is not just the noise or the dumpsters, 90% of those houses have kids and now you have more strangers coming to those businesses that could be walking through neighborhoods.

The President asked if he would be more receptive to the fence idea then.

Bret Moody said yes he thinks the fence idea is fine; like what they did at Target there on the east side. He said they put up a fence for the people that lived behind Target when it came in. He said I'm not opposed to the fence at all; it doesn't have to be a 12' concrete wall. He said maybe just to keep the walking traffic down because strange things happen these days.

Darren Lloyd stated his final comment is going along with what they have been talking about the aesthetics of it. He said a fence, trees, something there because what they with the building on the other side of Country place, it's right on the property line, there may be a 5' setback and that's really what he is hoping to avoid is looking out his back window and just seeing the back side of a brick wall with nothing because of the trees or whatever would have to come out with what would be done with it.

The President asked for any additional comments from the audience. Being none he asked for questions from the Board. He said in response to the last comment, that one as Sherri indicated probably was 5' from the line but because of the public utility easements and drainage easements on this one it is going to farther away as well too. He said he understands what their attorney was saying but if he was living there he'd rather see the fence as well too. He said it does cut down the blockage as far as foot traffic in either direction. He was thinking of other people coming in but there are a lot of kids in that subdivision; he has a bus load of kids that they pick up there every day so he knows that they do play in that area and that would be enticing to have them going in there to see what's going on so it's a two way fence. He said it keeps the kids out from getting over there and getting hurt while it's being constructed or running into somebody they don't know that shouldn't be there or vice versa. He said he thinks that would be more aesthetically pleasing barrier for it as well.

Mrs. Rector said she has a question. She said if this gets approved with the stipulation with a wall being put up and whatever else, when do they want this wall put up? She said she needs that for the office before they issue permits.

Attorney Doll said a wall is probably one of the last things to be built because it is difficult to build a building right beside a wall.

John Rogers III said they are voting to approve a subdivision contingent on a fence but what if it's just one long piece of property. He said he guess he doesn't understand the need to make it contingent upon the fence for the subdivision.

Mrs. Rector said she was going to ask that too because if they don't do the subdivision and they just build on the one lot they can't make them put a fence up.

John Rogers III said that was his logic as well.

The President said lot 3 is the biggy, lot 2 is not that big a deal.

Jeff Willis said what if they just had a dumpster enclosure and if they wanted to put a barrier there at some point that should be up to them, but if they ask them to hide the dumpsters from that subdivision he thinks that would be an appropriate solution. He said a lot of those houses already have fences in their backyard, some of them don't but if they wanted to put a steel fence or an ornamental fence up; if people are required to put a wood fence up and in a couple years it starts looking bad where a steel fence, if it's built right should last for 15-20 years before it starts looking ugly but you can see through it so it's not a site screen. He said he thinks once it's developed, if it looks they are building up on top of a hill they'd probably rather look at that than a dilapidated fence. He said there's drainage there already so a wood fence is going to rot quicker too.

The President called for questions from the Board. Being none he called for a motion.

Theresa Franklin said I have something else I'd like to say.

Mrs. Rector said we are voting now so they are done.

Theresa Franklin said she was standing there before they decided that they just didn't acknowledge her.

The President said okay, what do you have.

Theresa Franklin said regarding the situation with the fence like the other gentleman said; the fence behind Target looks very nice both ways. She said as far as she knows they have not had a problem with deterioration of that but if you don't put that in now just because you are going to have one lot to build or something what do they have to fall back in the future when they decide to go on down the property building whatever they want. She said she wants to make sure it's not denied and...

The President said the thing is right now they could build something the length of that without even coming to us is what we are saying. He said so lots one and two he believes will be the most desirable ones as far as office building locations, and those are shorter areas with fences. He said that other long one he doesn't know if it will ever be developed.

Theresa Franklin said if we could at least go with the one and the two and the problem with the traffic going through; it could be pedestrian, it could be our kids, she thinks the wall would be best. She said they want to keep their kids safe and they also don't want them over there loitering on whatever parking lot is there for whatever business that may be.

The President said okay, we understand your concern. He asked for the Boards wishes.

Jeff Valiant asked if they went with some kind fence do they want to talk height before they get into this.

Attorney Doll said standard fence height is 6'.

Mrs. Rector said yes and remember they also need a hold harmless for the Drainage Board as a part of their drainage plan approval and they need the consent agreement from Vectren.

Attorney Doll said subject to.

Jeff Valiant made a motion to approved PP-17-05 with the fence and he knows if they do it now they could do it without anything but if they are wanting to go through the effort to divide into 3 then he thinks they should go through the effort to work with people living around there, and the hold harmless and the Vectren agreement.

Mrs. Rector asked if it was a 6' high fence.

Jeff Valiant said basic fence.

Jeff Willis asked privacy or just any fence, just a barrier.

Jeff Valiant said I guess you are going to want privacy, he doesn't want a picket fence.

Attorney Doll asked if trash enclosures were a part of his motion.

Jeff Valiant said if they are going to the effort of the fence he is not going to worry about trash enclosures.

Bob Johnson seconded the motion. There was not a unanimous motion. Roll call was taken; Bill Byers, neigh; Guy Gentry, yea; Bob Johnson, yea; Amanda Mosiman, neigh; Jeff Valiant, yea; Jeff Willis, yea. With the vote being 4 to 2 the motion passed.

PP-17-07 Big Daddy Subdivision by Zahoor Ismail, Owner. .674 acres located on the N side of Camp Brosend Rd 0' E of the intersection formed by Camp Brosend Rd. and Old SR 261. Ohio Twp. *Complete legal on file. (Advertised in The Standard April 27, 2017.)*

Mrs. Rector stated we are missing 3 green cards from Gerald Pedigo, Mary Jane Schmitt, and Julia Burleson. She said we do have all of the white pay receipts showing they were mailed in

time and to the correct addresses on file in the Auditors office. She stated the zoning is “R-1” which requires a minimum of 60’ at the building line and a minimum of 6,000 square feet. She said the rezoning was approved at 4:00 pm today for this. She said it is a 2 lot subdivision. She said the Commissioners approved their request for no improvements to Camp Brosend Road. She said there were no drainage plans be required. She said Newburg Sewer has capacity; they state the existing houses have existing sewer service. She said Indiana American has a water main that serves the subdivision. She said this is a 2 lot residential subdivision. She said this property was recently rezoned to R-1 by the County Commissioners. She said there are 2 existing homes on the property that will be removed and new homes built. She said the Board and the Commissioners already approved the rezoning of the property for this subdivision. She said the developer has submitted a letter asking the Board to waive the sidewalk requirement for this subdivision. Mrs. Rector stated it is in technical conformity.

Bill Bivins, Engineer, and Zahoor Ismail, owner were present.

The President asked for questions from the Board. Being no questions and no remonstrators present the President called for a motion.

Bob Johnson made a motion to approve PP-17-07.

The President said we first need a motion to waive the sidewalks; if someone wishes.

Jeff Willis said there’s no sidewalks in this subdivision already.

The President said that is correct.

Amanda Mosiman made a motion to waive the sidewalk requirement for PP-17-07. Bob Johnson seconded the motion and it was unanimously carried.

Jeff Valiant seconded the motion for PP-17-07 and it was unanimously carried.

PP-17-08 Woodall No. 2 by Denise L. Floyd. Owners: Denise L Floyd and Jason R. Floyd. .6782 acres located on the N side of Elberfeld Rd. approximately 614 ft. W of the intersection formed by Elberfeld Rd. and St. Johns Rd. being lot 3 in Woodall Subdivision as recorded in plat book 4, pages 425-426 in the office of the recorder of Warrick County, Indiana and part of the SE quarter of 19-4-9 Greer Twp. *Complete legal on file. (Advertised in The Standard April 27, 2017.)*

Bill Bivins, engineer and Denise Floyd, owner were present.

Mrs. Rector stated we have all return receipts except one from Steven Oeth but we do have a signed waiver from Mr. Oeth. She stated lot 3 is zoned R-1A and the remaining property is zoned “A” Agriculture. She said there is no flood plain. Mrs. Rector stated this is 2 existing lots with two existing houses; they are just changing a lot line between the two lots. She said the Commissioners approved their request for no improvements to Elberfeld Road. She said no

drainage was required. She said the sewer and water is provided by Elberfeld. She said this is a 2 lot residential subdivision with no new building sites. She added that the developer has submitted a letter asking the Board to waive the sidewalk requirement for this subdivision because there are no sidewalks in the area. She said it is in technical conformity. She said they are just moving the line.

Attorney Doll asked if it was because of a driveway.

Denis Floyd said they are selling the house and want to keep their garden. She said they own both pieces and want to keep the garden.

Bill Bivins said because that one lot was in a subdivision they had to make a subdivision.

Ascertaining there were no questions from the Board and no remonstrators present the President called for a motion.

Jeff Willis made a motion to waive the sidewalks. The motion was seconded by Jeff Valiant and unanimously carried.

Jeff Valiant made a motion to approve PP-17-08. The motion was seconded by Bob Johnson and unanimously carried.

PP-17-09 Gateway Place Subdivision by Herbert Paul Grimm and Robert Byron Grimm.
Owners: Same. 36.5 Acres located on the S side of SR 66 0' SW of the intersection formed by SR 66 and Grimm Rd. Ohio Twp. *Complete legal on file. (Advertised in The Standard April 27, 2017.)*

Mrs. Rector said she has a letter from Mr. Bivins which states "Due to a change in the above mentioned subdivision the owner is adding a street. We are requesting to table this subdivision until the June 12, 2017 meeting to allow the County Surveyor time to review the drainage plans and the County Engineer time to review the street plans." She said so it is a request to continue.

Amanda Mosiman made a motion to continue PP-17-09 to the June 12, 2017 meeting. The motion was seconded by Jeff Valiant and unanimously carried.

The President asked if new notices will have to be sent.

Mrs. Rector said no; they should have come to the meeting today.

OTHER BUSINESS:

Zoning Inspector

The President said he thinks Sherri sent out notes on this.

Mrs. Rector said as they know a few years ago the County Commissioners took our Zoning Inspector away from us. She said we had a Zoning Inspector that came in to the office one day a week and we also had a car. She said this person went out and looked for violations for people that were building without permits, just anything. She said the Commissioners at that time decided that they were going to hire a Building Inspector and was going to put part of his duties as our Zoning Inspector for the salary in the contract so the Council did not approve us keeping our Zoning Inspector any longer and the Building Inspector is to do by contract our zoning inspections and then we pay for his cell phone every month. She said but Mr. Lockhart informed her the other day that he is too busy to go do their zoning inspections and then Commissioner Weisheit came in and told her that he would no longer be doing them. She said she doesn't know what Bob and Dan...they've never commented. She said usually they have him go out once every couple months or so.

The President said building has picked up.

Mrs. Rector said building has picked up and he has some health issues also so she is not saying anything against Dennis because he has been doing a good job but she is reporting to them that he is no longer going to do it so they need to figure out how they are going to handle this.

Attorney Doll asked affective when.

Mrs. Rector said Marlin did say if he was out and about and they needed somebody to go take pictures he would be willing to. She said she will tell them the last time Sheila and herself went out on Lynnville Highway to a person's house doing an inspection that they ended up having to clean up and the man ended up cussing them out and chasing them down the highway in her car and they had to call dispatch for them to be able to get out of their car at the court house. She said so she is not going out there; she is not going to get shot over doing trash inspections. She said she doesn't know what they want her to do; most of these complaints that they've had lately they have been finding them not in violation because they are not junk/salvage yards. She said to her a junk/salvage yards, she knows it says it's a collection, that people make a profit; it's not just people who do not clean up their yards. She asked if they'd want an affidavit that somebody would have to file and they submit pictures to us and nobody go out and look and they would have to sign some kind of affidavit that they took these pictures and this is true.

Jeff Valiant said he thinks they will still want to recheck it the day of or something like that. He said because he could take a picture on the worse day and by the time the meeting rolls around it could be spotless.

Amanda Mosiman said how would we determine when it's back in compliance or not without photos; we'd be going by whoever submitted the affidavits.

The President asked if budgets have already been done.

Mrs. Rector said no, it's coming up. She said we just got an email today and she thinks they are going to be in June or July.

The President said so based on last years history of the number of times they sent out, an amount, and he doesn't know if they could find anybody to do that part-time; could she come up with a number.

Mrs. Rector said from what she understands from Dennis, and she doesn't know if he's talked to Bob or not, he can't even find somebody part time to help him out. She said you just can't get people to work for \$10 an hour and come in for a few hours. She said she knows they are not going to give them a car and pay for gasoline so what is a person working for \$10/hour going to do; they'd have to drive their own car, pay for their own gas and insurance.

Amanda Mosiman said it'd be subject to the county mileage rate.

Mrs. Rector said or they could just vote that they no longer take zoning violation complaints.

Attorney Doll said his feelings are they need to put a request into the County Council's private budget process for a part time employee. He said maybe a 25% of the time employee and maybe \$10-12, maybe a senior citizen that might have some building experience or some such thing in his or her past and have them turn in a mileage voucher. He said we could see at least what the County Council says first. He added we have to have an independent set of eyes.

The President said well do we need to go to the Commissioners because we had it and the Commissioners stripped us of it so do we need to...

Attorney Doll said he thought the Council did it.

Mrs. Rector said no the Commissioners did. She said not this one; it was when Don Williams, Carl Conner, and Jack Pike came into office. She said they are the ones that did it.

Bob Johnson said so maybe they should go back and revisit it because there is a lot of building going on and they are very busy and he knows the building inspector is very busy and he has some other issues. He said he thinks they are right, they either come back in front of the Commissioners or go in front of the Council and ask for money.

The President said what he is saying is if Dennis is needing help as well anyway...he would hope they would redo the contract. He said if it says in the contract they are supposed to do our stuff and now all of a sudden they are not doing and it's in the contract I think we have a problem there so I think they need to look at that contract. He said maybe he is the one that needs an assistant that will be doing both things.

Mrs. Rector asked if the Building Department had it in the budget for a part time person to help Dennis.

Bob Johnson said he doesn't know off the top of his head.

Amanda Mosiman asked if there was another part time employee in a similar department that we may be able to transfer these duties to. She said the Ohio Township Trustee had a part time employee. She said she doesn't think that individual is looking to add any more but is there another trustee; she goes out and does Ohio Townships stuff like that.

Mrs. Rector said she has no idea. She said if you could tell a person they are going to work one day a week or two days a week and they know that they are going to work 8 hours and make this much money but just to say okay I'm going call you up whenever we get a complaint; they are not going to make \$10.

Jeff Willis said he doesn't know about Warrick County but in some counties whenever they have to do their reassessments they hire some outside firm to drive through and say oh yea that looks like a \$200,000 house; I mean they inspect them and look at them carefully.

Attorney Doll said Storm Water Management District has an outside consultant that we pay by the hour who does site inspections for compliance with the drainage requirements. He said Steve could tell you more about that but he thinks the Storm Water Board felt it was more economical to hire an outside consultant with her own car and it was so much per hour and it wasn't astronomical. He said it struck him as being reasonable and they just renewed that contract. He said it's a company it's not a...we always deal with the same person but it is part of a company. He said that might be something that we could look at.

Jeff Valiant asked what are they talking; once a month if that.

Mrs. Rector said maybe.

Jeff Willis said 12 times a year probably because they go out twice to look at them.

The President said all they need is somebody to take a couple pictures right.

Mrs. Rector said yes. She said if they just want her to email them and say hey Jeff there is something up there by where you live can you take some pictures.

Bob Johnson said this one here he has seen this one before.

Jeff Valiant said he's not saying don't go and ask for something but we could handle that.

Attorney Doll said divide the county up.

Jeff Valiant said he was kind of thinking of something like that but...

Mrs. Rector said Guy can take pictures while he is driving the bus.

The President said he has done it before, not with...let's clarify that...

Inaudible comments.

Bob Johnson said he doesn't mind helping out.

Jeff Valiant said we can kick in until we get something figured out.

Jeff Willis said if we kick in then they are going to say well you guys are taking care of it you don't need somebody.

Bob Johnson said he doesn't know what the right answer is but for right now we can...

Jeff Willis said well if you put the per diem in there then that'd get them to switch it real quick.

Jeff Valiant asked what if you saved them up and one day a month you run out and hit 5-6 places right before the meeting or what have you. He said what he is saying if you have something up his way or even something down here give him a shout.

The President said so the consensus that he sees on the Zoning Inspector is that they are aware of the situation and they are going to monitor it themselves at this point in time.

Bob Johnson said he thinks they should come up with a plan at some point but for right now...

Jeff Valiant said yea, we can cover it ourselves for now and then when its time...

Amanda Mosiman asked if there was a way to get a meeting before the meeting with the Commissioners, Building Department and us to talk about options.

Mrs. Rector asked if she meant before the Council budget hearings.

Amanda Mosiman said we could try to come up with a solution to prevent having the council meeting.

The President asked if that would be in June.

Mrs. Rector said she just sent up an email and it said she'd be emailing their dates and times so she doesn't know but she thinks she said by June 1st so she thinks it will be late June first or July.

Bob Johnson said he thinks he seen an email with dates on it so they have some time.

Complaint- Owners: Paul & Barbara Cannon. Possible junk/salvage yard at 7477 Folsomville Rd.

Mrs. Rector stated we had cleaned this property up back in 2003, it's been awhile. She said he has a few vehicles, he has a few things sitting around but she doesn't know.

Attorney Doll asked if he had antifreeze bottles.

Amanda Mosiman said yes, Prestone.

Attorney Doll said which is a poison of children or dogs.

The President asked if we knew if he lived here.

Bob Johnson said according to this Building Department complaint form it looks like nobody lives there.

Mrs. Rector said she doesn't think he lived there back then; the owner has a Newburgh address. She said she thinks he just goes out here and putters around.

Attorney Doll asked if we have written him a letter.

Mrs. Rector said no, she has not done anything until they say he is in violation.

The President asked if he cleaned it up last time because they got him out of violation he guesses. He said the county didn't do it, he did it himself.

Mrs. Rector said right.

Amanda Mosiman asked if he fought on that or did they have to give him time or how was it responded to on his end.

Mrs. Rector said she is thinking they gave him...she doesn't remember. She said she remembers he cleaned it up; she doesn't remember how long it took him but he did clean it up.

Attorney Doll asked if she remembered who his lawyer was.

Mrs. Rector said it would be in the old complaint file which we probably tossed by now. She asked if they thought it was a junk/salvage yard.

The President said he just thinks it's a trashy yard.

Bob Johnson said he doesn't think he is selling anything out here. He thinks it's a nuisance and a hazard. He said he doesn't like seeing all the chemicals lying around but he also doesn't like telling somebody how to live either.

Attorney Doll asked if it was in a populated area.

Mrs. Rector said no, there is nothing out there.

Amanda Mosiman said it is Folsomville Road; it is more likely a deer would drink it.

Attorney Doll asked what the wishes of the Board are.

Jeff Willis said it says it looks like nobody lives there so whoever filed the complaint probably didn't try to find him and tell him.

Mrs. Rector said it is the same lady who filed it back in 2003, she lives next to it.

Amanda Mosiman asked if they could send him a letter stating they have received a complaint about it.

Mrs. Rector said and we have concerns about some of the items sitting around or something.

Attorney Doll said sure, and that we are going to re-inspect the property in 30 days.

Amanda Mosiman said yea and see if a blind threat might help.

Attorney Doll said it's not a threat and it's not a finding that it's in violation it's just affording him the opportunity to self-help himself out of a potential problem.

Mrs. Rector asked if they wanted the office to write it or Morrie.

Amanda Mosiman said she thinks Morrie is scarier.

Attorney Doll said he is going to need the better address or the lawyer or both.

Mrs. Rector said well that lawyer was back in 2003.

Attorney Doll said he could still be here.

Amanda Mosiman made a motion to have Morrie write a letter to the effect that they just discussed that the property will be re-inspected in 30 days. The motion was seconded by Bob Johnson and unanimously carried.

Pecan Mobile Home Park:

Mrs. Rector asked Morrie if he wanted to talk on this Pecan so he doesn't have to wait.

Attorney Doll said he has written a letter on the Pecan Mobile Home Park, sent it to Sherri and she gave him some really good constructive criticism of his correspondence. He said so he has started to rewrite it and they ended up in a 4 hour court battle defending the Board of Zoning Appeals last Friday and then he was out of town attending his son's wedding and then last Friday Sherri left for vacation and all that leads to this; he has to make the changes in the letter. He said he will do that and send it back to Sherri in the morning and if you've got an email address he could send a copy of it to him and it'll be in the mail as soon as Sherri and himself have come to similar language that they are both comfortable with. He said so it's his fault but it is standing up in a file on his desk.

The President asked if they had any questions or comments.

A gentleman asked if there had been a letter sent.

The President said no. He said he drafted one, sent it to Sherri and then they have both been in and out so they will get together tomorrow on it.

Attorney Doll said it should be in the mail tomorrow to either Chicago or Indianapolis is the address they are sending it to.

The gentleman asked how long is he going to give them to respond.

Attorney Doll said he doesn't recollect what he said in the letter but it's his practice never to give him more than 30 days at most; normally not 30 days but 30 days is usually the most. He said normally it's 14 days, 2 weeks.

The gentleman said we had a potential buyer and it keeps dragging out farther and farther he's afraid they are going to lose them.

Attorney Doll said he has a private remedy too. He said they could bring a title action if they wanted to and name them in it and get a court order. He said he doesn't want them to think this is their only recourse, it's not.

Greenlife Development-Victoria PUD: Presentation and discussion.

Nick Cassala with Greenlife Development, 2000 Victoria National Boulevard, Newburgh, Indiana approached the podium. He said he wanted to thank the Area Plan Commission for the opportunity to speak this evening. He said by way of background, they have a project that's a large scale, master plan community that they plan on developing in the area adjacent to Victoria National Golf Club. He said this master plan community is currently envisioned as just over 500 residential units on 400 plus or minus acres and to be developed over a 12-15 year time frame. He said one of the reasons they are here today is because the design includes some attributes of traditional neighborhood design and in order to deliver the design intent and the set of qualities that are envisioned a number of conditions outside of the existing subdivision control ordinance are necessary. He said over the last 30-45 days they have met with county staff and have also had a series of meetings with individual county commissioners and then presented a series of waivers to the county commission for their consensual approval on April 24th. He said there were a number of concerns that were expressed and he thinks they addressed all of those concerns adequately by virtue of the fact that the consensual approval was granted but it was also suggested and requested that they come before them this evening and present the waivers and give them an opportunity to express their concerns and or opinions before they go forward with the pretty significant work effort that would be their PUD zoning and phase 1 plat documents that are necessary to launch this project later this year. He said so with that he is going to have Jeremy Elrod with Morley & Associates present the waivers to them and then they will be available to answer questions.

Jeremy Elrod said he is with Morley and is working with Jim Morley Jr. who is the project engineer on this project so he is going to go through the particular waivers from the subdivision control ordinance that they are requesting for this project which are the same presentation that we made to the Warrick County Commissioners. He said he is hoping everyone has copies of the letter they sent to Sherri.

Mrs. Rector said they do.

Jeremy Elrod said he is going to start at the top and spend a little time hitting on each of these with the same information they provided to the commissioners and as Nick said they provided a consensus to proceed with their road and street plans.

Attorney Doll said just to be clear so the members know what they are looking for, they are wanting input from them tonight on what they are proposing, favorable or unfavorable so they have a flavor for what they might be able to get approved so they can then go do full design to bring back which is expensive and time consuming.

Nick Cassala said given the size and scale of this project it is probably more so than most cases.

Attorney Doll said so when they come back there shouldn't be any surprises about the waiver or changes that they are asking for because they will have already seen them tonight.

Jeramy Elrod said that hits the nail on the head.

Attorney Doll said so ask questions.

Mrs. Rector said yes, and most of them have to do with right-of-way widths and trees and such so that is why it was more of the Commissioners than ours. She said she did email them all after they met so they have had some time to look at the drawings and everything.

Jeramy Elrod said so he will hit them pretty quickly. He said his plan was to get through all of them and then they will open it up for discussion and any questions or concerns they might have; they are trying to be up front so when they put the time and effort into this project and bring it back for approval they will have already seen it because the reality is if we are not up front with those and they don't allow some of those waiver requests the project looks completely different and he doesn't know if they can make the same project not given some of these parameters.

Jeramy Elrod said we'll start on the letter with the trees in the right-of-way. He said they are requesting that trees of certain species be allowed within the right-of-way which is not per ordinance and by certain species they mean trees that have a more column growth pattern which would be selected by a landscape architect so that these trees have a narrower root spread; they actually have a narrower canopy spread which also means they have a more narrow root spread which will prevent damage to sidewalks and streets which he knows is a big concern as far as from a maintenance issue. He said a lot of these waivers they are requesting is to try to create this product they are bringing to the market in which they envision a particular street scape which they are trying to create and having these trees in the right-of-way allows us to bring everything closer. He said the trees are a part of that so this is why we feel like this is an important request for us on the trees and they have sketches at the end of their packet and he thinks they should be able to get that feel with those sketches. He said they also have poster boards up here which shows images of similar communities or communities that we are getting inspiration from. He said this is the master plan layout to date with maybe some changes to come. He said it's important for them that through the design stages if trees are allowed in the right-of-way they need to make sure they have sufficient clearances for school buses and firetrucks and to make sure they don't affect any minimal sight clearances at road intersections and make sure vehicles can safely travel through the subdivision without any kind of landscaping or trees negatively affecting that.

Jeramy Elrod said moving is the right-of-way ordinance that Sherri mentioned and this is probably one of the bigger waiver request that they are making. He said the ordinance calls for 50' right-of-way on residential streets which are typical in Warrick County. He said they are requesting several different right-of-way widths other than 50' which they can see in their packets. He said typically in Warrick County you've got a 50' right-of-way and then you've got

25' building set back lines on each side so you've got at least 100' from the face of a building to the face of the building on the other side of the road. He said what they want to do is bring those homes a bit closer to try to create the feel of this community which has a little different feel and the community feel for this will be different than what you typically see around here and in order to that we want to shrink those right-of-ways just a little bit. He said they have good reason for that. He said historically in Warrick County utilities are not a big fan of going within the right-of-way so everyone knows that because of this you've got to plat a utility easement adjacent to the right-of-way so as much as they would love to have 50' right-of-way and put homes on the edge of right-of-way it's a challenge to get the utilities to take that leap and get inside the right-of-way. He said so what they want to do is bring the right-of-way in which will allow them to plat those easements alongside the right-of-way without sacrificing much of that face to building of 100'. He said this is all to create that street scape and feel that Greenlife is trying to bring to the market.

He said the next on has to do with reverse curves. He said the ordinance states when you have a series of reverse curves that you have a straight tangent of roadway of at least 100' in length where that curve starts to reverse. He said so if you have a long bending road, where those reverse curves meet you'd have a straight section of road. He said they are asking that no straight tangent be required and you can see in the master plan there is probably not a straight road in that entire plan. He said that was intentional; a lot of planning and design has gone into the layout and it is a master plan community and so it all goes back to that purpose of community and interconnectivity that is important to this project.

He said next we have the alleys. He the ordinance requires 20' right-of-way on alleys and they are asking for 14'. He said this goes back to the 50' right-of-way they are requesting the variance from. He said they want to be able to pull that right-of-way in a bit to put those easements adjacent to the right-of-way without sacrificing too much distance between their rear loaded homes. He said in this community they will have some front loaded homes with the typical pull into the garage in the front yard but there is also going to be a lot of product in this community that is an alley loaded home.

Mrs. Rector said Jeremy the alley ways she believes was agreed would be privately maintained, not public.

Jeremy Elrod said that is correct. He said if they would look through the letter at the end there are some listed conditions that Greenlife is acceptable too. He said that is a great point. He said so moving past the alleys there is a section in the ordinance that talks about utilities under paved areas. He said the ordinance says utilities should only be installed under paved areas where absolutely necessary. He said they are asking for a variance for that; they are asking for any utilities that would like to go under the paved area of the road have that ability not to say...because we are still hashing through that of who is going to be in there and who is not but especially from a storm sewer point of view having essentially from back of curve to back of curve to work within allows us to have much longer straighter runs of pipe so generally the tighter the work corridor gets the more man holes and bends and fittings or whatever utility you are working with you need to make the curves which they obviously have a lot of curves so

instead of dinging off the walls of easements or being outside the right-of-way or under the pavement that becomes an important construction issue on this project. He said the utility, especially if it were something other than storm sewer is the responsibility of the utility for replacing any street damages; if a water main was under the road and it bust the utility has to get in there and they are responsible for bringing that street back to condition.

Jeramy Elrod said next the ordinance states the minimum pavement width of 30' which includes curb and gutter should be for the minor residential district; we are asking to have street widths of 20' and 24' which are a couple of the street sections they have that are less than 30'. He said the reason for this is because this project has several different street sections which include one-way streets, two-way streets, all parking, no on street parking and it just wouldn't make a whole lot of sense to have a one-way street that's 30' back of curb to back of curb. He said the designs still have the travel path for all of the vehicles is still plenty wide enough to keep those streets safe. He said we are planning to use a vertical curb instead of your traditional rolled curb you see in subdivisions so the vertical curb acts as a vehicle deterrent to traffic on the road and also we have a lot of winding, curvy roads which influences a much slower traffic flow through subdivisions as opposed to long straight streets.

Jeramy Elrod said next we have the sidewalks. He said they will be asking for a waiver of some sort on the sidewalks. He said by ordinance it requires to be on both sides of the street. He said because of the purpose of this project he can guarantee there will be no shortage of sidewalks because they create the interconnectivity that this project is all about. He said because of the uniqueness of the project, the product mix, and the location they are looking to have some flexibility as to where they propose those sidewalks. He said just for clarification the street sections they see, they might see a sidewalk on one side of the street and not on the other; those are just for example. He said they have not locked down which street sections have sidewalk on both sides of the street, neither side, or maybe just one. He said at the time of the PUD approval process that will all be shown and will be up for approval at that time. He said they are hoping to have a little flexibility where they think they need the sidewalks and where they add to the community.

Mrs. Rector said you are also proposing walking type trails through a part of it also.

Jeramy Elrod said yes a portion of the project got a dedicated easement for the Warrick Trails Group which is a non-profit that's putting trails throughout Warrick County and also within this project there are some dedicated easements for just walking trails to get to some of the inner parks that are planned with this community.

Jeramy Elrod said the last one on the list is not an ordinance section he believes it's an attachment to the ordinance and it is the Warrick County Roadway Specs. He said so the roadway spec has your typically 30' back of curb back of curb, rolled curb residential street and we just want to include that in there because we are going to play with that a little bit. He said we are going to have to 20', 24', 30', 37' all those back of curb back of curb, all the standing curb, some will be one way, some will be two way, some will have some on street parking, some will be designated as no on street parking; so we just wanted to include that in there. He said he

thinks that wraps up those waiver requests. He said as Sherri mentioned we did go ahead and list in that letter some of the conditions that Greenlife would agree to come approval of the plat. He said he won't hit on all of it but just a few of them. He said they wanted to make note that for roundabouts, because they do have a lot of roundabouts planned for this community, they are agreeable to the minimum diameter of those roundabouts being 90'. He said some maybe more but a minimum of 90' roundabout is a sufficient radius for safe turnarounds for school buses and fire trucks.

Jeremy Elrod said the landscaping, including any kind of tree replacement if the tree dies or falls over inside of the right-of-way would be privately maintained by the homeowners association or the developer or whatever entity is established for that purpose at that time. He said they talked about the tree clearances for school buses and firetrucks and also they hit a little bit on the chosen tree species for this type of project. He said we know the county is not responsible for maintenance of sidewalks but at the same time we don't want to build a community where the homeowners are burdened with replacing the sidewalk in the future so it's definitely on our minds to choose a tree species and to place those trees accordingly so we don't damages to the sidewalks or the streets. He said he thinks that is all of the conditions that he was planning on hitting on so at this time they are open to questions or concerns.

Amanda Mosiman asked if they were going to try to incorporate multiple tree species or were they going to try to just get one or two species throughout the entire development because all of the ones that are presented are all good options.

Nick Cassala said it would be the intent that every village might have a schematic tree species that are present.

Amanda Mosiman said she didn't want to get into monoculture too bad because new diseases, new pests emerge all the time.

Nick Cassala said your point is well taken.

The President said he still has a concern and he is not a horticulturalist; all he knows is that he has trees in his subdivision that are in between the sidewalk and the street and they suck. He said the sidewalks are uneven, limbs are out in the road, branches are on the sidewalk, you can't walk down the sidewalk, you can't drive next to the curb; he is not a big fan of it. He said obviously they selected the wrong trees, maybe there are some trees that do that but he guesses time will tell if this is approved but he is still not a big fan of it. He asked where the trash pickup be; they talked about the alleys, is there a certain trash location because trash trucks will have to make this. He said they are a big straight axel and a lot like a school bus so he assumes they will be able to go through.

Jeremy Elrod said typically if a fire truck could make a turn then a trash truck would be able to but he doesn't know if where they are at in the design if they specify...

Nick Cassala said it is safe to say that on alley product the trash would be on the rear of the home.

The President said that is what he was thinking; so they are making the alley smaller so he has a little bit of concern there. He asked if there will be parking in the alley.

Nick Cassala said no, the only parking on the alley would be in the driveways.

Amanda Mosiman said they should check with the trucks because a lot of them have that swing arm to be able to move that not in front of the vehicle or behind it. She said it's kind of out to the side, they require a little room so they might ask to see what type of trucks are running.

Attorney Doll said he thought the schematic of the alley did have parking.

Jeremy Elrod said that is the driveway to the garage. He said so here is the alley and this is the approach to the garage so you could pull in and use that as a parallel parking spot. He said that is not within right-of-way.

Nick Cassala said that there is much tighter than what they probably envision for a majority of their community so it's sort of an extreme case.

Attorney Doll said so someone could parallel park in front of their garage door.

Nick Cassala said that is what is happening on that diagram right there.

Jeremy Elrod said right but the homeowner would park in front of his own garage.

The President said but putting traffic down the alley would narrow it up perhaps. He asked if the utilities had a say; could they refuse to go under the streets.

Jeremy Elrod said yes that is negotiation that they have had with them.

Nick Cassala said we have started the conversation with the utility companies to see what they were amenable to. He said they felt pretty comfortable that...there's a pause every time we present this plan to anyone for the first time because it's different but once they understood it, that would be the City of Boonville who is currently the water and sewer provider and then Vectren they are both working with us to accommodate some requests in reductions in their standard PUE's and also with the locations of the wet utilities. He said in fact as they started getting into this their engineers and designers became fans of putting it under these locations given the fact that they are actually easier to maintain as opposed to putting them in the front yards and tearing up landscape etcetera that they deal with now.

Jeremy Elrod said they see in a lot of the other similar communities they do a lot of this, especially the sanitary sewers they typically run directly down the center of the road and the water line is either one side or the other. He said they have had some preliminary talks with all of the utilities and he thinks this project is definitely something different for everyone involved but he thinks when it comes to having a porch balcony or foundation next to the side walk and you want water line right under the sidewalk that next to that foundation then you got a homeowner you have to deal with. He said he thinks it was an eye opener for some of those utilities and as Nick said some of them their engineers are starting to look at potentially under the road being the best option for that utility.

Nick Cassala said everybody we have worked with have all done projects in other locations where it is pretty common place. He said he could point to just about any of the big cities within 3 hours of here where these projects are happening and it's the same utility providers or engineers that are working with the municipalities in those locations so they are already doing it.

Amanda Mosiman said she reached out to other extension educators that serve on boards that might have seen these communities and they have worked out really well. She said this is the next step in community planning and incorporating more green space and multi-use and it's not all...it's the next step.

Nick Cassala said he didn't really hit on the attributes for the sake of time but this is a series of villages and there's some cluster density and the reason they do cluster density is so that they can have more green space and the green space comes in the form in natural parks that are preserved; there's a lot of natural preservation areas and when they come for the real presentation they will hit them with the attributes that he thinks will make them really proud of what they are attempting to do over a long period of time. He said most of what they are hearing here is a function of just getting coordinated. He said it's about walkability, its about community, and creating that sense of engagement that's needed and also making it a safe place. He said a lot of the moves on the street sections are a function of trying to slow down traffic and all of these are techniques from the curbing to the tighter width of the roads.

Jeff Willis asked on the utilities, being under the road are you going to have a big conduit for them to share or are you going to put extra conduit space so if a new cable company comes to town are they going to tear up the road or front yards or are they going to be blocked out of their community.

Nick Cassala said they will most likely and just addressing cable most likely what they will end up doing with the cable providers is they will select one and do a master agreement with one of the cable providers. He said there is a couple different reasons you do that but the one in this case is because they want them to share a joint trench with Vectren and Vectren is agreeable to

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that as long as we identify one and we can coordinate that. He said part of the effort of his team will be to get that coordinated. He said it doesn't stop competition somewhere down the road and they will have to deal with those inconveniences at that time but they want to go in and deliver all of the utilities at one time and have a nice clean base and platform to work with.

Attorney Doll said cable will probably be wireless in 10 years.

Nick Cassala said at the pace we are going it could be.

Attorney Doll said the day of cell towers are over, we are not going to build any more cell towers.

Amanda Mosiman said the minis are causing big problems in some of the big cities.

Attorney Doll said they are going to be on street lights and you are not just going to be getting your cell phone you are going to be getting all your cable services the same way.

Jeff Willis said he is worried that whatever the technology is in a couple of years...it used to be you had AT&T and then WOW came along and then Insight and so every time somebody come through they are tearing up the whole neighborhood.

Nick Cassala said and it is worse with these conditions that we are proposing; your point is well taken. He said that is another reason why they are working on the arrangement that he described and that kind of eliminates that for a number of years; probably 15-20 years.

Attorney Doll asked if they had any other insights or concerns they want to give. He said Guy has told of his concerns...

Jeff Willis said his concern is if there's some new technology 10 or 5 years from now and they have to tear up the roads or all of the front yards. He said could you not add a second trench or second conduit or something where they could pull. He said he found out the other day that AT&T at one of their commercial sites they ran their fiber optic and apparently they have had their conduit there for years and they just pulled the fiber optic right where he was getting ready to dig a 4' hole. He said that is where he got that idea. He asked so could you put conduit in there so somebody could use with pull holes and stuff. He said the cable company that you chose would already access to it somehow so they could tap into it.

Nick Cassala said they would talk to them about that.

Bill Byers said he had some concerns about parking because people are very social animals and weekends they have guest and where are the guest going to park if we are restricting their parking.

Nick Cassala said there is quite a bit on parking that is planned especially within the villages where we have the density. He said as Jeramy mentioned there are sections where we have on street parking planned for one side of the road or alternating sides of the road and there are other roads where there will be parking on both sides of the road so that's why if you look at that diagram that's why there so many different sections because each one of those details have been thought of by planners who design these types of communities. He said there is also in certain locations where it gets really dense there is actually some additional off street parking provided in a form of a small lot in a short distance to serve a number of homes. He said with the front loaded homes they will for the most part have long driveways and that's why they are not going to have on street parking on that side of the street.

Amanda Mosiman said it looks like on the colored picture anything that is blue, brown, or red is going to have on street on it and that is a majority of it.

Nick Cassala said that is right.

Mrs. Rector said it is her understanding that they will file the rezoning with a development plan and not a plat so they will be approving the development plan so they can choose to do either or.

Attorney Doll said yes.

Mrs. Rector said so they are going to do a development plan and once that is approved they will go back and do the actual plat with the street and drainage and everything.

Nick Cassala said that is correct. He said they will almost be companion actions but the PUD zoning will lead the process.

Attorney Doll asked what the timing was.

Nick Cassala said their intention is working backwards from the start date; their start date will be November 1st of this year. He said that will be the construction start date so they will be coming back before the Board within the next couple of months to hit that target. He said the reason that they are not coming any sooner is that they are working through their final permit issues in particular with wetlands leading the charge.

The President asked if there were any other questions from the Board. He said thank you for your presentation and we hope it goes well.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

Being no other business the meeting adjourned at 7:38 p.m. with a motion from Jeff Valiant, seconded by Bob Johnson and unanimously carried.

Guy Gentry, President

ATTEST:

Sherri Rector, Executive Director